

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORDER

AND NOW, this 31ST day of October, 2008, having reviewed the Motion to Compel Expert Deposition at Reasonable Hourly Rate and Fed.R.Civ.P. 26(b)(4)(C)(i), which states that "the court must require that the party seeking discovery ... pay the expert a reasonable fee for time spent in responding to discovery under Rule 26(b)(4)(a) or (B)," we find that \$750 per hour is a reasonable rate for payment of an expert under Fed.R.Civ.P. 26(b)(4).

Therefore, IT IS ORDERED that defendants' Motion to Compel Expert Deposition at Reasonable Hourly Rate is GRANTED and it is ORDERED that the deposition of Dr. Goitz proceed on November 7, 2008 and that Dr. Goitz be paid for his time at an hourly rate not to exceed \$750 per hour.

BY THE COURT:

cc: All Counsel of Record